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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the discussions held during the expert workshop on the right to participate in public affairs

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In its resolution 30/9, the Human Rights Council requested that the Office of the United Nations High Commissioner for Human Rights (OHCHR) organize an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs. The workshop was aimed at identifying possible gaps and making recommendations in that regard, and at identifying new developments, trends, and innovations with respect to full, effective and equal participation in political and public affairs. The expert workshop was held in Geneva on 18 May 2016. The present report was prepared by OHCHR pursuant to the Council's request.

The main issues discussed during the workshop were the existing guidance on the right to participate and possible gaps; current challenges to the implementation of the right to participate in public affairs; and innovations and trends in regard to the right to participate in public affairs.

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Contents

		Page
I	Introduction	3
II	Opening statement	3
III	Overview of panel presentations and discussions	4
	A Right to participate in public affairs, and the existing guidance	4
	B Current challenges to the implementation of the right to participate in public affairs	7
	C Innovations and trends in regard to the right to participate in public affairs	10
IV	Main observations and recommendations	12

I. Introduction

1. In its resolution 30/9, the Human Rights Council requested that OHCHR organize an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs. The workshop was aimed at identifying possible gaps and making recommendations in that regard, and at identifying new developments, trends, and innovations with respect to full, effective and equal participation in political and public affairs. The Council also requested that OHCHR prepare a summary report on the expert workshop, to be presented to the Council at its thirty-third session. The expert workshop was held in Geneva on 18 May 2016.

II. Opening statement

2. The Chief of the Human Rights Council Branch of OHCHR, Eric Tistounet, delivered the opening remarks. In his introduction, Mr. Tistounet highlighted the crucial role that participation played in the advancement of all human rights and in empowering individuals and groups. He recalled the close linkages between the right to participate and other rights, such as the right of peaceful assembly, the rights to freedom of association and freedom of opinion and expression, and the rights to education and access to information.

3. He stressed that, despite the recognition in core international human rights treaties of the right to participate, challenges continued to exist regarding the effective enjoyment of that right by all. This held true particularly in relation to the enjoyment of the right on an equal basis by women, indigenous peoples, minorities, persons with disabilities, and other disadvantaged individuals and groups. Armed conflict, protracted violence, insecurity and structural issues of marginalization and poverty were further contextual factors that added obstacles to the enjoyment of the right to participate in public affairs. However, Mr. Tistounet stressed that information and communications technology (ICT), for example in the form of social media platforms and new horizontal forms of participation, provided opportunities to increase participation.

4. Against that background, Mr. Tistounet introduced the three bread themes around which the expert workshop was organized: (a) the scope and content of the right to participate in public affairs, and related guidance; (b) the challenges in the implementation of the right; and (c) innovations and trends in regard to participation. Given the breadth of the notion of "participation", he invited participants to reflect on a number of issues. The first of these was whether the concept and the implementation framework of the right to participate in public affairs could usefully benefit from developments in other areas. Secondly, Mr. Tistounet raised the issue of the existing barriers to equal participation, including the reasons behind such obstacles, identified groups that were commonly disenfranchised, and solicited views on steps to be taken to bring about positive changes. Thirdly, he invited speakers and participants to consider whether innovations and technologies had really given effect to the right to participate in public affairs and whether they had really increased participation.

III. Overview of panel presentations and discussions

A. Right to participate in public affairs, and the existing guidance

5. Olivier de Frouville, a member of the Human Rights Committee, focused his presentation on the legal framework for exercising the right to participate in public affairs. He stated that the right to participate, as provided in article 25 of the International Covenant on Civil and Political Rights, was the foundation of a democratic government based on the consent of the people. Mr. de Frouville recalled the breadth of the notion of "conduct of public affairs", which included the exercise of legislative, executive and administrative powers and covered all aspects of public administration as well as the formulation and implementation of policy measures at the international, national, regional and local levels. He also recalled that the right to participate, as provided in article 25 of the Covenant, included: (a) a general right to take part in the conduct of public affairs, which may be exercised directly or indirectly; (b) three distinct but interrelated rights: the right to vote (the right of the voter), the right to be elected (the right of the candidate), and the right to periodic elections with universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of voters; and (c) the right to have access on general terms of equality to public service positions — to be ensured through objective and reasonable criteria and processes for appointment, promotion, suspension and dismissal.

6. Mr. de Frouville added that the right and the opportunity to participate in public affairs required effective implementation of the right going beyond periodic elections. He said that States must adopt laws to determine the allocation of powers and the means by which citizens exercised the rights protected by article 25 without unreasonable restrictions. States were also under an obligation to adopt positive measures to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement, which may prevent persons entitled to vote from exercising their rights. In his conclusion, Mr. de Frouville indicated that while the Committee's general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service remained relevant 20 years after its adoption, some areas could be addressed in greater detail in the light of developments that had taken place since 1996; these included (a) the issue of discrimination in the exercise of the right to participate in the conduct of public affairs; (b) alternative forms of participation, such as participative or deliberative forms; and (c) participation at the supranational or global level, including within international organizations.

7. Wan-Hea Lee, the Representative of the High Commissioner for Human Rights in Cambodia, focused her presentation on the implementation of the right to participate in public affairs at the national level. Noting the importance to the work of OHCHR in Cambodia of the guidance provided in the Human Rights Committee's general comment No. 25, and in its general comment No. 34 on freedom of opinion and freedom of expression, she pointed out that the exercise of the right to participate in public affairs in the country had faced a number of challenges since the general elections held in 2013. This had included the adoption of a series of restrictive laws that — for example, by allowing deregistration without justification — could potentially curtail the capacity of civil society organizations to engage in human rights advocacy, research, victim protection and awareness-raising activities. In the context of the upcoming elections in 2017 and 2018, a number of laws had been adopted, or were in the process of being adopted, which may constitute obstacles to freedom of expression. Ms. Lee noted that public consultations on draft laws or policies were not considered a mandatory requirement. She also highlighted the importance of participation in day-to-day decisions affecting people's lives, such as issues related to development, the environment and adequate standards of living.

8. In addition, Ms. Lee said that while abundant guidance existed on the way in which elections should be conducted, a gap remained regarding issues related to democracy and human rights in the context of elections, and further guidance would be useful in that regard. Stressing that political rights were part and parcel of the human rights framework, she suggested that such guidance would also help human rights non-governmental organizations (NGOs), political actors and electoral authorities to understand their respective roles in complex environments such as that of Cambodia. In that regard, she encouraged the elaboration of an updated, more detailed general comment on article 25 of the Covenant to highlight the rights and responsibilities of various stakeholders in the electoral, legislative and policymaking arenas, and the specific requirements of due process in regard to each of them.

9. The presentation of Chad Vickery, a representative of the International Foundation for Electoral Systems, focused on how electoral processes may support the right to participation. He stressed that resilient democracies require not just participation, but meaningful participation. He recalled elements considered to be essential in that regard, such as an active civil society, institutions that effectively and impartially enforce the rule of law, and the absence of intimidation and restrictions on public life. Furthermore, he stressed that electoral processes that supported meaningful citizen participation were linked to respect for accountability and for the integrity of elections. According to Mr. Vickery, the important question was how to assess whether electoral processes ultimately reflected the will of the voters. To answer that question, the electoral community had experimented with numerous methods to evaluate the quality of elections, which had proved to be challenging due to a lack of consensus as to the indicators to be used, how data was collected and shared, and the size of the data required. In that context, Mr. Vickery introduced a global election-quality indicator initiative, which was aimed at identifying and collecting a consistent set of indicators to establish the baseline for measuring electoral quality. Such indicators would produce a nuanced understanding of each country's unique electoral process over time, including how elections contributed to the right to participate in public life.

10. Mr. Vickery also indicated that election indicators were based on information collected by technical assistance providers, election management bodies and observers. He described the benefits of the initiative's approach, compared to other methods, but also highlighted some of the challenges that the initiative had had to grapple with. Among the advantages, he mentioned the capacity of indicators to provide a baseline to compare objective data over time, and the possibility of tracking the recommendations of observation missions, the implementation of the recommendations, and their impact. In conclusion, Mr. Vickery stressed that the indicators initiative would give election management bodies and technical assistance providers more comparative data that could be used for project design, adaptive learning, and monitoring and evaluation efforts. The ultimate goal of the indicators was to understand better the extent to which countries were meeting their international law obligations, and whether support from the international community for these electoral processes had aided the development of resilient democracies that encouraged meaningful participation and protected the political rights of individuals.

11. Katerina Hadzi-Miceva Evans, representing the European Centre for Not-for-Profit Law, emphasized that participation was a right and not a matter of political will. She stated that it was imperative to strengthen the existing international framework and guarantees in order to ensure that the right to participate was implemented meaningfully in practice. The experience of the European Centre for Not-for-Profit Law had shown that implementation of the right to participate also depended on the existence of understanding, of know-how and of safeguards to protect the right. She identified areas where the development of international standards would be beneficial, in particular the area of enforcement of the right to participate in public affairs. At the same time, she emphasized that participation

was a vibrant concept and required a framework that allowed flexibility in order to capture different modalities on the ground.

12. In the second part of her presentation, Ms. Hadzi-Miceva Evans focused on the Council of Europe guidelines on participation and how they could inform future discussions on the topic. She described the rationale and process behind the guidelines, noting that the drafters had identified a need for guidance with regard to the scope of the right, the meaning of participation in policymaking, and related issues. She emphasized that the question concerned not only the rights to participate, to be consulted or to have access to information, but also direct participation in the drafting of laws and policies. The drafters of the guidelines were also looking into the impact of the overall enabling environment for civil society and individuals and how it contributed to participation, and into the different rights that constituted preconditions for participation. Ms. Hadzi-Miceva Evans noted that the drafters had also tried to identify the tools and processes that could enhance the right to participate in public affairs.

13. In the discussion that followed the panellists' presentations, questions were raised regarding the sources of State obligations with regard to the right to participate in public affairs, other than the International Covenant on Civil and Political Rights, and about how to assess the quality of elections. Questions were also raised about how to effectively foster real and meaningful participation by civil society, not only within the framework of elections but also outside electoral processes. A delegate from one Member State noted that the expert workshop provided a conceptual basis for future Human Rights Council resolutions on the right to participate in public affairs as well as on other rights. A number of delegates spoke about whether the effective implementation of article 25 of the Covenant could benefit from the development of additional guidance. Mr. de Frouville suggested a number of options to that end: (a) collecting good practices, which would be a useful basis for considering any possible revision of general comment No. 25 in the future; (b) drawing on the work carried out by other treaty bodies, particularly by the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities; and (c) developing guidance through the Human Rights Council, particularly on issues of participative and deliberative democracy, and on norms relevant to those forms of democracy, and on issues of citizenship, including on citizens' involvement with decision-making processes at the international level. The possibility for treaty bodies to adopt a joint general recommendation on the right to participate in public affairs was also raised.

14. A delegate from one Member State referred to that State's draft law on participation in public affairs, explaining that it contained a binding set of requirements, such as the obligatory nature of public consultations; direct forms of consultation, including through workshops and seminars; and the obligation to provide a justification when consultations were not held. Questions were asked about how to distinguish between lobbyists' and citizens' participation, and whether it was obligatory to publicize the outcome of consultations. A delegate from another Member State asked questions about the links that existed between different types of democracy, about how civil society could be encouraged to use the existing legal framework to its advantage and about how the quality of the legal framework and its implementation could be assessed. A representative of an NGO referred to the potential benefit of using the universal periodic review to monitor how States implemented the right to participate.

B. Current challenges to the implementation of the right to participate in public affairs

15. Lenka Homolkova, election adviser to the European Union Special Representative in Afghanistan, focused her intervention on practical challenges to implementation of the right to vote and to be elected, as integral components of the right to participate. She noted that, over the past several years, discussions on the right to participate had taken place against the background of shrinking space for civil society globally. She also emphasized that restrictive measures affecting civil society had an impact on the right to vote and to be elected, as civil society was so crucial for supporting electoral rights through their awareness-raising activities and when making observations and recommendations for improvement. She added that participation in elections was generally declining in established democracies, which was probably linked to dissatisfaction with political processes.

16. Ms. Homolkova highlighted the increasing interest in the electoral cycle approach, which focused not only on events on election day but on the whole election cycle. She discussed the individual elements of the right to vote and to be elected, which included periodic and genuine elections based on universal and equal suffrage, the secret ballot, and the rights to vote and to stand as a candidate. Important questions were raised about unduly and extensively delayed elections and the positive obligations of States in that regard, and about how best to guarantee universal and equal suffrage. Ms. Homolkova referred to less visible types of discrimination preventing the equal exercise by some persons of the right to vote and to be elected, such as the absence of voting stations reserved for women in some cultural contexts, disenfranchisement for detainees and persons declared bankrupt or insane, and restrictions on the grounds of intellectual or psychological disability. Another issue that remained unresolved was the restriction of electoral rights for the military and the police, as well as for electoral officials. The right to participation and associated rights (right to freedom of expression, right of peaceful assembly, right to freedom of association and right to liberty of movement) were further challenged by threats, intimidation and corruption. Finally, Ms. Homolkova discussed structural inequalities hindering the right to vote and to be elected, such as poverty, physical barriers, infrastructural and social obstacles, and insecurity.

17. Pramila Patten, a member of the Committee on the Elimination of Discrimination against Women, focused on challenges faced by women and highlighted the pervasive democratic deficit reflected in an unbalanced representation of women in both public and political life. No political system, she said, had conferred on women the right to full and equal participation. The public and private spheres continued to be considered distinct, with women invariably being assigned to the latter while public life continued to be dominated by men. Women continued to face serious limitations to holding public office, and their underrepresentation was the common feature of most political arenas. She drew attention to recent statistics showing that, as at 1 April 2016, the proportion of women in parliaments worldwide averaged a mere 22.7 per cent. While the overall trend in regard to women's participation was inching upwards, this was happening at a slow rate. The past four years had seen an increase of only 3.1 per cent in the average proportion of women in parliaments worldwide. Ms. Patten recalled that the Convention on the Elimination of All Forms of Discrimination against Women, an instrument that enjoyed nearly universal ratification, emphasized women's participation in public life. She provided a summary of relevant provisions, such as article 7 of the Convention on the Elimination of All Forms of Discrimination against Women and the interpretations reflected in general recommendations of the Committee on the Elimination of Discrimination against Women such as general recommendation No. 23 (1997) on political and public life, general recommendation No. 25 (2004) on temporary special measures and general

recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

18. Ms. Patten discussed examples of recent legislative improvements in various countries in regard to women's participation. She noted that an overall examination of State parties' reports to the Committee had shown that, while some countries had made progress, women continued to face significant discrimination in relation to their participation in public and political life, in all geographic regions. The reasons behind the underrepresentation of women were multifaceted and complex and included economic, social and cultural issues, structural and societal barriers, and deeply entrenched gender roles and gender stereotypes, as well as intersectional discrimination. The challenges to women's participation included non-compliance with legal guarantees regarding quotas, and their lack of enforcement, persistent traditional and patriarchal attitudes, limited access to political networks, insufficient capacity-building and campaign funding for potential women candidates, and the underrepresentation of particularly disadvantaged groups such as young women, women with disabilities and women belonging to minorities. Issues of citizenship and statelessness also prevented women's participation, in light of a large number of reservations to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women. Other challenges included the lack of an enabling environment and of a regulatory framework for the operation of women's associations, as well as the harassment of women human rights defenders.

19. Catalina Devandas Aguilar, the Special Rapporteur on the rights of persons with disabilities, recalled that participation was central to persons with disabilities, and indeed was one of the central goals of the Convention on the Rights of Persons with Disabilities. She drew attention to the fact that persons with disabilities constituted 15 per cent of the world, a number commensurate with the population of the Americas, but had as yet had limited participation in public affairs in many societies in the world. Referring to her report to the Human Rights Council which addressed the right of persons with disabilities to participate in decision-making (see A/HRC/31/62), she noted that persons with disabilities continued to face significant barriers to participation in public life, and often had their views disregarded in favour of those of their families, of doctors or other professionals, of organizations for persons with disabilities (and not organizations of persons with disabilities), or of other groups of "experts". She also noted that the denial or restriction of legal capacity often triggered a denial of political rights to certain persons with disabilities, especially the right to vote and to be elected on an equal basis with others. She recalled that participation was key in order to promote agency and empowerment of persons with disabilities and to ensure better decisions that benefited persons with disabilities. The Special Rapporteur emphasized that the Convention on the Rights of Persons with Disabilities represented a profound paradigm shift in international human rights law whereby persons with disabilities were not "objects" to be cared for, but rather "subjects" enjoying human rights on an equal basis with others, including the fundamental right to participation in public affairs. As provided in the Convention on the Rights of Persons with Disabilities, States must actively consult with persons with disabilities and guarantee them the right to vote and to be elected, access to public services, and the right to participate in the conduct of public affairs, including in public decision-making.

20. On the subject of remaining challenges, Ms. Devandas Aguilar mentioned paragraph 4 of the Human Rights Committee's general comment No. 25, which allowed limitations for persons with psychosocial disabilities in terms of the exercise of their right to vote. At the national level, the challenges included accessibility (both in terms of physical accessibility and of access to information), restrictions on being elected and holding public office, and directly discriminatory provisions against persons with disabilities. She stated that in order to ensure meaningful participation of persons with disabilities, there needed to be consultation and constant engagement by the State with

representative organizations, led and controlled by persons with disabilities. The Special Rapporteur noted that policies directly affecting persons with disabilities were not simply disability policies but policies affecting all human beings. Therefore, States should ensure accessibility, non-discrimination, awareness-raising and good faith, in implementing their obligations. While the Internet had allowed for more participation, it needed to be accessible. Physical accessibility to places of consultation was another challenge, and there needed to be special outreach efforts to ensure the participation of persons in need of extensive support. In conclusion, the Special Rapporteur emphasized that any guidance on the right to participate in public affairs should be inclusive of persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities.

21. Dana Sofi, a representative of the Reform Institute for Development, developed further the issue of challenges to the right to participate, from the perspective of minorities and other disadvantaged groups in Iraq. He noted that the right to participate was embedded in national legislation, that in 2015 a compact on partnership and development had been developed between the government, the parliament and NGOs in Kurdistan, and that such a compact was unique in the Middle East and North Africa region. In order to build a democratic society, the involvement of NGOs and of all members of society was crucial. Despite legal endorsement of the right to participation, implementation remained a challenge, due to the operations of the so-called Islamic State in Iraq and the Levant, the economic crisis and other issues. By way of example, Mr. Sofi referred to the lack of awareness of rights, including of the right to participate, which led to the systematic exclusion of poorly educated people.

22. Other challenges related to diverse administrative restrictions, including security procedures, bureaucratic requirements, or late notification from the authorities for the holding of consultations. Yet another challenge to the exercise of the right to participate was the lack of regulations to implement the right in practice. Mr. Sofi also referred to the existing selective approaches to participation, noting that only civil society associated with the government and political parties was able to participate. He noted that out of all the NGOs registered in Kurdistan, only 1 per cent represented minorities, which demonstrated their systematic exclusion. In the parliament there was a quota system for minorities, but in practice those with a connection to political parties were elected to represent minorities. Mr. Sofi identified the underdeveloped communications system as being a challenge to participation in Iraq. In particular, he noted the lack of connection via modern technologies between the new generation and politicians and political institutions. Although the use of technology could be a good solution for the inclusion of new generations, Mr. Sofi concluded that, in the context of Iraq, public participation was at present mostly restricted to elites.

23. Alicia del Aguila, a journalist and country expert with the Varieties of Democracy Project (V-Dem), discussed challenges to the right to participate from a gender and intercultural perspective. She emphasized that gender discrimination cut across many different aspects of life. She drew attention to the problem of "collective expectations", in particular the public expectation for leaders to be men rather than women, and the assumption that women were never going to be the first option for leadership positions. She noted that men "did" politics, whereas women were simply "associated with" politics. Ms. del Aguila gave an example of how such stereotypes were carried forward and sustained, through campaigns, among the public, and in the media and academic discourse. To address this situation, she highlighted the importance of affirmative action measures, such as the introduction of quotas. She also noted that other types of communication should be mobilized, particularly where the attitudes and opinions of young people were concerned. Internet initiatives such as blogs (e.g. www.allmalepanels.tumblr.com) could help raise awareness and lead to greater diversity in discussions of public affairs and in different professional spheres.

24. Ms. del Águila drew attention to additional layers of discrimination faced by indigenous women. Despite some advances for indigenous people, it was noted that work related to such discrimination was still very much in progress, with the media sometimes perpetuating stereotypes. Discrimination was a reality, not only in formal political spheres but also at the community level and in some traditional indigenous legal systems. She stressed the need for support for indigenous women leaders to ensure that local laws were respectful of the equal rights of men and women.

25. In the discussion that followed the presentations, reference was made to the Sustainable Development Goals, particularly goals 5 and 16, and to possible links between the Sustainable Development Goals and human rights treaties to give effect to full and meaningful participation. The role of international cooperation and of universal and regional mechanisms to ensure the removal of barriers to effective participation was also underscored. It was stated that illiteracy was one of the cross-cutting issues that impacted on the right to vote and to be elected, and that it should be subject to more detailed guidance. Participants also noted that lack of access to information was one of the barriers to holding governments accountable and ensuring meaningful participation. The importance of quotas for women and minorities was emphasized.

C. Innovations and trends in regard to the right to participate in public affairs

26. Fernando Mendez, a representative of the Centre for Research on Direct Democracy, made a presentation on voter advice applications. Highlighting four aspects of democracy (transparency, participation, spaces of deliberation, and citizens' contestation), Mr. Mendez singled out the aspects that were targeted by different technological tools. He spoke about voter advice applications that were focused on increasing participation and transparency in the political marketplace by better matching the policy preferences of citizens with the existing political options. He defined voter advice applications as digital tools designed to enhance voter education by matching the policy preferences of the user with the main positions of the parties defined in the system.

27. Mr. Mendez noted that voter advice applications had originated in the 1990s as a paper-based system. They had then been developed further, for the Internet and social media, particularly in institutional environments where many parties operated. He noted that, as we were witnessing increased party system fragmentation and electoral volatility, users were turning to these tools for information about the policy positions of parties. He stated that voter advice applications were highly popular, and that according to estimates, up to 40 per cent of the electorate in Europe consulted such tools. Mr. Mendez also highlighted the existence of evidence that these applications were boosting political participation, especially among young people. He distinguished two types of voter advice application, one based on candidates and the other based on parties. He concluded that voter advice applications could level the political playing field by giving exposure to minor parties. Voter advice applications allowed candidates to bypass the monopoly of organized parties and contributed to the promotion of independent candidates. However, since voter advice applications represented a significant intervention in the electoral context, the questionnaires used for the applications had to be carefully designed and needed to provide safeguards in regard to data protection and security.

28. Beth Simone Noveck, co-founder of the Governance Lab at New York University, discussed different trends in the use of technologies to increase public participation. She noted that over the past few years there had been a significant uptake of technology for participation. Increasingly, there had been a shift away from asking people about what they felt, with a view to creating more robust forms of engagement that went beyond mere

dialogue. Platforms inviting people to share their ideas about what governments should do were generally based on their opinions and had not resulted in strong forms of participation. Therefore, people were being asked to contribute substantively, with the aim of tapping meaningfully into what they knew and could do. There was a move towards asking people questions in a more structured way with a view to actually implementing what they suggested, for example on how to improve legislation and policies.

29. Ms. Noveck noted that the challenge with most participation efforts was that, for the most part, they were designed as an open call. Such efforts were limited in the way they enabled people to engage. As a result, several engagement efforts had failed because they had focused on the input without regard to the output. According to Ms. Noveck, recent developments were directed at using technology to maximize the opportunity to participate, by engaging people who were passionate and knowledgeable on a topic. Ms. Noveck noted that crowdsourcing wisely was better than crowdsourcing widely. She stressed, however, that such an approach was not meant to impact on the right of everyone to participate.

30. Caroline Ouaffo Watang, regional gender adviser at the OHCHR regional office for West Africa, highlighted the steady change in the democratic space, not only in terms of the players involved but also regarding the forms of participation. She noted, in particular, the shift from individual to collective forms of participation through a variety of tools, approaches and strategies, including networks. Ms. Ouaffo Watang also highlighted examples of best practice in regard to the use of new technologies. Referring to various other practices that had proved successful in increasing participation, Ms. Ouaffo Watang cited a number of activities such as training sessions for awareness-raising and to build the capacity of people to engage in public speaking, including workshops where women were given their first opportunity to speak in public. She also gave the example of Burkina Faso, where the introduction of quotas had had a positive effect by increasing women's participation by 30 per cent.

31. Maria Luisa Sotomayor, global U-report coordinator for the United Nations Children's Fund (UNICEF), provided an overview of the experience of UNICEF in using technology to promote the right to participate among young people. U-report, she said, was a social messaging tool designed to give young people and communities a chance to voice their opinions and create positive change. She explained how U-report teams in each country communicated instantly via various phone- and web-based channels. U-reporters ran weekly polls on issues affecting them, such as HIV/AIDS, violence, security, emergencies, crises, disease outbreaks, elections, and government programmes. The results of the polls were made available on public websites so that real-time data could contribute to achieving social change on the ground. The outcomes of polls were also broadcast through other media channels. A range of different channels of communication could be used by young people, depending on how they wanted to participate, including WhatsApp, Twitter, Telegram, SMS, the U-report application, and other means best fitting the context of each country. Ms. Sotomayor stated that the U-report could gather basic user data and was therefore able to channel polls targeting a specific interest group. The U-report programme would be launched in 11 countries in 2016. Currently, U-report was engaging with over 2 million young people and ensuring that their voices were heard on issues affecting their lives.

32. In the discussions that followed, participants debated issues around access to technologies aimed at increasing the participation of people, including members of disadvantaged groups and people in lower-income countries and rural areas. The possibility of using technology for engaging with multilateral organizations was also raised. It was suggested that recommendations on enhancing participation should go hand in hand with ways of dealing with other issues, and in particular with efforts related to education on the sharing of responsibilities in the domestic sphere. Speakers also stressed the role of

technologies in disseminating information, and provided examples of the use of technologies that did not require an Internet connection to increase opportunities for participation. In that regard, tools such as smartphone applications used by OHCHR in Cambodia and in Africa were mentioned as practical ways to overcome communication barriers. It was suggested that best practices in using technologies to support the exercise of the right to participate in public affairs be collected and further disseminated. Participants emphasized that ICT tools for participation may require further regulation, particularly in order to ensure respect for the right to privacy, including through adequate protection of personal data.

IV. Main observations and recommendations

33. **The right to participate, as provided in article 25 of the International Covenant on Civil and Political Rights, is the foundation of a democratic government based on the consent of the people. States should ensure that all individuals, from all sectors of society, can exercise their right to participate in public affairs. Effective implementation of this right goes beyond periodic elections, and resilient democracies require meaningful participation.**

34. **Shrinking democratic space, violence and conflict, insufficient political will, and attempts by incumbents to hold on to power, as well as underlying structural inequalities such as poverty, illiteracy, discrimination and exclusion, remain major challenges for the implementation of the right to participate.**

35. **Therefore, States should ensure the elimination of discrimination, including intersectional and multiple forms of discrimination, and of other challenges that often prevent the full participation of women and members of marginalized groups such as indigenous peoples, minorities, and persons with disabilities. Such discrimination ranges from gender stereotyping to a lack of representation of women and members of minorities in State institutions including executive and legislative bodies, to physical and communicational barriers that render polling stations inaccessible to persons with disabilities.**

36. **An enabling environment that permits an active civil society to develop and institutions that effectively and impartially enforce the rule of law constitute preconditions for the implementation of the right to participate in political life and public affairs. Respect for the right to freedom of opinion and expression, the right of peaceful assembly and the right to freedom of association is also a fundamental prerequisite for the exercise of the right to participate in public affairs. The right of access to information, together with communication and accessibility of such information, is also crucial. In addition, consultation with concerned individuals and specific groups and their direct participation in the drafting of laws and policies affecting their human rights are essential for the full exercise of the right to participate.**

37. **ICT tools enhancing participation in political life and public affairs should be explored further and good practices on how these tools can be used to foster participation should be compiled and disseminated. These tools should be made widely accessible, including for persons in remote areas and for persons with disabilities. Further work may be needed, however, to ensure that these tools comply with human rights norms and standards, in particular with regard to the right to privacy.**

38. The right to participate in public affairs is provided for in several international human rights treaties, particularly in article 25 of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Elimination of All Forms of Discrimination against Women and article 29 of the Convention on the Rights of Persons with Disabilities. These provisions constitute the main guidance regarding the scope of this right and how to ensure its full implementation.

39. Further guidance may be needed to strengthen and facilitate the implementation of the right to participation in public affairs in electoral contexts but also outside such contexts, including with regard to the scope of the right and to citizen participation in decision-making in regional and international institutions.

40. The development of guidance on the right to participate should involve those individuals affected, including persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities. Such guidance should be made accessible to all concerned.

41. International human rights mechanisms, including international human rights bodies and the Human Rights Council, as well as all relevant stakeholders, are encouraged to continue exploring these issues and help in recording good practices to ensure the promotion and protection of the right to participate in public affairs, as well as to provide guidance in the matter.

42. While general comment No. 25 of the Human Rights Committee on article 25 of the International Covenant on Civil and Political Rights has not lost its relevance, it would benefit from an update and clarifications in certain areas, such as the participation of specific groups, and alternative forms of participation. Treaty bodies may also wish to consider the possibility of issuing a joint general comment or a joint statement on the right to participate in public affairs, drawing on their jurisprudence and practice in this area.

43. The need for improved participation is highlighted by the 2030 Agenda and its Sustainable Development Goals, particularly goals 5 and 16. Consideration should be given to ways to ensure participation in the follow-up to the implementation of the Sustainable Development Goals during national reviews. The right to participate should also be systematically included in assessments of States during the universal periodic review.